

Fred Sullivan
Chairman

Janine L. Burke
Executive Director



Scott Avedisian
Mayor

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BOARD MEETING MINUTES

Thursday, July 26, 2012, 5:30 p.m.
Warwick Sewer Authority Conference Room
125 Arthur W. Devine Boulevard
Warwick, RI 02886

Board Members in attendance:	Guests:
Fred Sullivan, Chairman	Dennis Setzko, P.E., AECOM
Aaron Guckian, Secretary	Brian King, P.E., Crossman Engineering
Steven Sylven, P.E.	Todd Ravenelle, P.E., GRA, Inc.
Gary Jarvis	Alan Leveillee, PAL, Inc.
	Captain Michael Stover, USEPA
Board Member not present:	Charlotte Taylor, RI Historical Preservation
Peter Ginaitt	and Heritage Commission
	Nancy Striuli, Bayside resident
Staff present:	Joe Gallucci, Kent County Water Authority
Janine L. Burke, Executive Director	Roy Dempsey, 4 Killdeer Road
John Revens, Legal Counsel	
Patrick Doyle, Superintendent	
BettyAnne Rossi, Pretreatment Coordinator	
Lynda Ortiz, Finance Customer Service Mgr	
Mathew Solitro, Collection Systems Mgr.	
Lynn F. Owens, Administrative Coordinator	

1. Call to Order At 5:33 p.m. Chairman Sullivan called the meeting to order.

2. Approval of Minutes

a. Approval of minutes from the regular meeting held June 14, 2012.

ACTION: Mr. Sylven moved approval of the minutes. Mr. Guckian seconded the motion. Chairman Sullivan, Messrs. Guckian, Sylven and Jarvis voted in favor of the motion. Motion approved.

3. Phosphorous Removal Project

a. AECOM to submit progress report

Dennis Setzko stated the Facilities Plan Amendment (FPA) was finalized and submitted to RIDEM last month. He stated RIDEM sent a letter on July 5, 2012 approving the document as the Wastewater FPA for the City of Warwick. He said the FPA addresses the environmental review (of proposed projects) and a Finding of No Significant Impact (FONSI) was issued along with the FPA approval. He said the approval maintains eligibility for construction assistance. He said the letter also states RIDEM would like to propose lower limits for nitrogen and phosphorous for the interim; WSA was asked to respond to that proposal within thirty days. Mr. Setzko said they assisted with the response to Angelo Liberti (RIDEM) and we asked that the interim limits which were originally proposed be maintained; WSA will try to go lower but does not want an interim limit that is lower. He stated they talked to Art Zeman at RIDEM who said it should not be an issue; RIDEM wants Warwick, West Warwick and Cranston to try to achieve the lower limits.

Mr. Setzko reviewed the provided progress report for the Phosphorous Removal Design project. He said a meeting is scheduled for August 17th with WSA staff to review the draft preliminary design report and 30% design drawings. He stated that the project was on schedule and on budget.

b. AECOM Contract Amendment
Additional borings at WWTF: \$43,200.00

ACTION: Mr. Setzko stated they had run into some very poor soil conditions at the borings sites for the preferred location of the phosphorous removal building. He stated we are required to address seismic requirements for the building, and building at the proposed site with the soil conditions they encountered would require about \$1 million in amendments to or conditioning of the soil to address the seismic requirements. He stated borings at other sites on the facility show reasonable soil conditions.

Mr. Setzko stated AECOM's proposal is to look for another site to locate the building; the site must meet Classification D soil profiles. He stated a geotechnical engineer will be at WSA with a drill rig to take up to four soil samples (100 feet down). He said AECOM will stop the drilling when good soil profiles are found. He stated half the amendment cost is for the drill rig. Mr. Setzko stated the cost is a not-to-exceed price.

Mr. Sylven asked if moving the building location will impact the design schedule. Mr. Setzko stated AECOM will maintain the same schedule.

Mr. Sylven moved approval of the contract amendment at a not-to-exceed value of \$43,200.00. Mr. Jarvis seconded the motion. Chairman Sullivan, Messrs. Guckian, Sylven and Jarvis voted in favor of the motion. Motion approved.

4. Flood Protection and Mitigation

a. Financial Report of Flood Expenses

Director Burke provided the most recent payment information from the Rhode Island Emergency Management Agency. She said the Hart Engineering contract should be closed out next month.

b. Flood Protection Study

Review of Preliminary Design Report, Wastewater Treatment Facility Flood Protection and Mitigation Design, prepared by AECOM June 2012

Mr. Setzko stated the draft report was submitted to WSA for comment. He said they are addressing the comments now and will submit a final document shortly.

Mr. Setzko stated a benefit cost analysis (BCA) has been completed for this project. He stated the BCA is confirmed at 6.0 and identifies project value; FEMA verified that our evaluation is accurate.

Director Burke stated the draft report, BCA and a letter (signed by Mayor Avedisian) were sent to RIEMA appealing their denial of grant funds for the flood mitigation project.

c. Bellows Street Pumping Station

i. Crossman Engineering to submit progress report

ACTION: Brian King, P.E., provided an update report on this project. He stated the plans and specifications are complete. He stated the project has been bid and the apparent low bidder is J. H. Lynch, Inc. He reported that a pre-contract meeting was held to discuss what the vendor needs to provide to WSA prior to the award of bid.

ii. Award of Contract: Construction Administration Crossman Engineering: ~~\$59,450.00~~ **\$81,450.00**

ACTION: Director Burke stated the original contract price has been revised to account for construction administration through the winter months. She stated the initial Crossman proposal anticipated a winter shutdown, however, J.H. Lynch plans to construct throughout the winter. She stated the construction schedule shows a completion date of April 2013.

Mr. Sylven stated the original proposal planned for a 4 ½ month construction inspection period; the project completion time is 8 months. Mr. King confirmed that Crossman will be on site daily throughout the 8-month period for construction observation and inspection. Mr. Sylven asked if Crossman will prepare a punch list at substantial completion of the project. Mr. King confirmed that Crossman, working with WSA staff, will prepare a punch list for the contractor.

Mr. Sylven moved approval of the contract with a not-to-exceed price of \$81,450.00. Messrs. Guckian and Jarvis seconded the motion. Chairman Sullivan, Messrs. Guckian, Sylven and Jarvis voted in favor of the motion. Motion approved.

5. Operation and Maintenance Division

a. Award of Bid #2013-29 Analytical Laboratory Services

ACTION: Ms. BettyAnne Rossi reviewed with the Board Bid #2013-29 Analytical Laboratory Services and provided a recommendation memo and summary of bids received. Director Burke stated we are recommending the bid be awarded to Rhode Island Analytical Laboratories, Inc. (RIAL) as the lowest responsive bidder. The bid prices will remain fixed for one year from date of award. The term of the contract may be extended for up to three (3) more years upon mutual agreement. The anticipated expense for this fiscal year is approximately \$27,000.00 excluding the enterococci testing which is expected to be a requirement by December 2013. Ms. Rossi stated we may spend more than \$27,000.00 if more testing is required throughout the year. She stated the Board is being asked to approve the fixed unit pricing (as listed on the submitted bid and summary sheet).

Following discussion about the enterococci testing, Mr. Jarvis moved approval of the award of bid to Rhode Island Analytical Laboratories Inc., based on submitted unit pricing. Mr. Guckian seconded the motion. Chairman Sullivan, Messrs. Guckian, Sylven and Jarvis voted in favor of the motion. Motion approved.

6. Collection Systems Division

a. Construction Services

i. Bayside IV/Longmeadow: progress report

ACTION: Mr. Solitro provided a progress report on the Longmeadow project. He stated a balancing change order and engineering closeout invoice are due; all work is complete. Director Burke stated we have a thirty percent (30%) connection rate in the

project area. Mr. Solitro reported that the project came in under budget. He said WSA did some additional work on Draper Avenue for the School Department, in conjunction with the Department of Public Works and the Water Department.

b. Engineering Services

- i. Bayside I-III: Amendment to Contract with Gordon R. Archibald, Inc. (GRA) Design Services for Bayside Sewers: \$421,088.00

ACTION: Director Burke introduced members of the group that has been meeting for the past year with the Narragansett Indian Tribe (NIT) to try and move these sewer projects forward in light of the significant archaeological issues uncovered in the area.

- Captain Mike Stover, USEPA and Public Health Service
- Charlotte Taylor, Rhode Island Historical Preservation and Heritage Commission
- Todd Ravenelle, P. E., Gordon R. Archibald, Inc. (GRA)
- Alan Leveillee, Public Archeological Laboratory, Inc. (PAL)
- Mat Solitro, WSA
- Doug Harris and Nancy Brown Garcia, NIT (not present)

Included in each agenda packet was a technical proposal for machine-assisted feature identification from PAL, a contract proposal from GRA, and a recommendation memo from Director Burke. Director Burke asked Alan Leveillee to speak to the Board about the archeological issues.

Mr. Leveillee provided an historical outline of Native American activity in the sewer project area. He stated we have on Warwick Neck archeological and historic evidence of the remnants of the Shawomet Indian village, and possible evidence of the conflicts of King Philip's War. He stated that because of federal involvement this is an undertaking under Section 106 of the National Historic Preservation Act. He stated this site meets the qualifications for the National Register of Historic Places. He said we have been working with the EPA, the Rhode Island Historical Preservation and Heritage Commission and representatives of the Narragansett Indians Historic Preservation Office to see if we can navigate through this. He stated the vital artery to get sewers into this area is Tidewater Drive. He said we know there are some archaeological features beneath the street at Tidewater. He said we are trying to find out how many there are, whether or not we can work in existing utility trenches, or if we can identify features in order to work around those that are highly significant. He stated federal law requires we take into consideration the impact of our work, in addition to federal,

state and municipal burial laws regarding verified human skeletal remains.

Mr. Leveillee stated the crux of the problem is we need more information; we need to find out if we can chart a course within and through this site to get the mainline down Tidewater. He stated the proposal that is before the Board now is a cooperative one that includes the brains, the time, and the commitment of the EPA, the NIT, the WSA and its contractors. He stated from an anthropological and archeological perspective, we need the cooperation of the NIT to do this correctly.

Mr. Leveillee stated we know we have scores of features that are of serious concern but, until we remove that roadbed and look at them, we don't know if there's a path through them. He said we must identify how many features exist, and especially burial sites. He confirmed that if testing reveals we can use the main artery of Tidewater, more testing beyond Tidewater must be conducted.

Mr. Ravenelle stated if we can get the mainline along Tidewater built, then WSA can go street by street to those areas most in need of sewers. He stated we need to meet with the water and gas companies to discuss cost sharing opportunities.

Mr. Leveillee explained that if unanticipated human remains are uncovered, work in the immediate area stops; work in other areas of the project can continue. He stated if preservation in place cannot happen, it may be the consensus that the remains be removed.

Mr. Guckian asked about the availability of federal funds to pay for this study. Captain Stover stated EPA provides funding for water and sewer projects through the State Revolving Fund (loan fund). He stated funding is available for monitoring and data collection but does not provide for consultation or repatriation costs. He stated this area has been designated as eligible for listing on the National Register of Historic Places; this may make available opportunities from other funding sources, as it is such a sensitive and historically rich area. Charlotte Taylor stated she was less optimistic about funding availability for this site, as there are many places (like historic structures) on the registry in need of funding to avoid demolition. She said there are costs associated with placement on the Registry, and the individual property owners within the boundaries of the historic site would have to agree to have their properties placed on the Registry.

Board members reviewed all submitted documents and discussed the details of the proposed work. Concern was expressed about

the cost of the proposed work, the availability of funds to pay for the task, and the probability of a successful outcome. Following extensive discussion, Chairman Sullivan recommended this item be held for one month and asked Director Burke to look into funding sources for this effort and to provide more information on less intrusive methods of sewerage such as vacuum systems, and the ultimate project cost. Mr. Ravenelle stated he will get a firmer cost for the construction effort for this investigatory project.

Nancy Striuli, resident of the Bayside area and a representative of the Rivervue neighborhood group, stated the project area is in a mixed neighborhood. She said while two of her neighbors recently upgraded their onsite systems (at an approximate cost of \$20,000 each), many in the area cannot afford the cost to upgrade their systems and are in need of public sewers. Captain Stover stated ISDS systems are not a preferred option in this bayside area.

Director Burke stated ultimately, the property owners in the area need to know if we will bring sewers to the neighborhood as many of them are subject to the Cesspool Phaseout Act.

7. Billing Services Division

a. Sewer Assessment Abatement

Name	Service Address	Reason	Amount
City of Warwick/Arthur Teto	v/l Aberdeen Avenue Plat 302 Lot 209	Property was deeded to the City in 1991. If ever developed, will reassess.	\$5,550.77

ACTION: Mr. Jarvis moved approval. Director Burke stated typically we abate city owned property with the provision that we would reassess if ever developed. Mr. Sylven seconded the motion. Chairman Sullivan, Messrs. Guckian, Sylven and Jarvis voted in favor of the motion. Motion approved.

8. Administrative Items

a. Agreement for Professional Services for On-Call GIS Services Fuss & O'Neill

ACTION: Director Burke said she believed Mr. Sylven was the one who recommended we enter into a contract with Fuss & O'Neill for on-call services on an as-needed basis now that we have the GIS back up and running. She stated the hourly rates schedule reflects typical hourly rates for a large engineering firm with overhead. She stated we will manage the contract and be efficient with our use of Fuss & O'Neill's services. She stated Mike Doyle, who the Board had previously met, is at the \$144 per hour rate. Director Burke stated we have continued to tap Mike Doyle

from time to time but it would be good for both of us if we had this contract in place.

Director Burke stated we did end up hiring a civil engineering student as an intern this summer and he has been busy geo-locating all of our manholes and other infrastructure. She said he is working at a rate of about 80 sites a day, which is very impressive, and we are hopeful he will get all the manholes in the system done by the end of the summer. She said Fuss & O'Neill assisted in getting the GPS unit set up, training the intern on how to use it and what to do with the data; they set up the differential correction program that we need to run on the GPS data before inputting into GIS.

Director Burke stated the Mayor has issued an Executive Order establishing a GIS Implementation Committee for the City. She said the Planning and MIS Departments will be spearheading the effort but WSA will be actively involved.

Mr. Jarvis asked to see a list of services up front, in terms of the scope of work. He said their fee structure is reasonable; from a consulting perspective, there is benefit. Mr. Sylven stated who decides when Fuss & O'Neill's services are needed? Director Burke stated she does.

Mr. Jarvis moved approval. Mr. Sylven seconded the motion. Chairman Sullivan, Messrs. Guckian, Sylven and Jarvis voted in favor of the motion. Motion approved.

b. Interceptor Bond Fund Requirements: impact of recently enacted legislation

ACTION: Director Burke stated we have not received a response to our inquiry to RIDEM. Mr. Jarvis asked how many properties are not yet connected in the GF II area. Director Burke stated there are about 120 properties not connected. Mr. Jarvis encouraged WSA to pursue the connect capable legislation rather than force mandatory connection to one group that only recently received sewer service, while there are others that have had sewers for years and have not had to connect. He favors education and outreach to encourage sewer connection.

Mr. Revens stated the (interceptor bond fund) grant says we have to require connections; the (new) legislation doesn't change that. He stated the grant is a contract; no law can abridge a contract. He said the law doesn't say it abridges the contract. He said the fact that we require it only says we require it; there is nothing in the grant that says we have to go on to the property and make the connection. Mr. Jarvis stated we can't go after them with fines. Mr. Revens stated there is no language in the grant to force them to connect. He said it was his opinion that RIDEM can't fine us because we have required the property owners to connect.

He said we sent the notices; that's all we have to do under the provisions of the grant. He stated the legislation doesn't change any provision of the existing law.

Mr. Revens stated people misinterpret the term "public health and safety" to mean it's an emergency; it isn't. He said WSA can require connection throughout the City, with the advice and consent of the Mayor.

c. Mandatory Sewer Connection Program/Connect Capable Fee

ACTION: Chairman Sullivan asked that this item be included on next month's agenda, along with sewer assessment issues.

d. Director's Report

- i. Financial Report: report provided.
- ii. Administrative Schedule: nothing presented.

e. Chairman's Report

Chairman Sullivan showed the Board a GIS based ward map that will be color-coded to identify connected and not connected properties. He said the whole city will ultimately input their data into the one city map.

f. Sewer Assessment Committee Report: Director Burke stated she has started drafting an RFP for review of the enabling legislation and regulations. She said as soon as the RFP is drafted, she would like the committee to review it.

9. Consent Agenda - Correspondence

- a. WSA Director's May 2012 report to Mayor Avedisian (6-18-12)
- b. WSA to RIEMA re: Large Project Closeout (6-26-12)
- c. RIEMA to WSA re: Project Closeout extension (6-26-12)
- d. WSA to RIDEM re: Interceptor Bond Fund Requirements (6-28-12)
- e. RIDEM to WSA re: Approval of FPA and FONSI (7-5-12)
- f. WSA to City Council re: June 2012 financial report (7-9-12)
- g. WSA to RIDOT re: Flood Protection draft report (7-16-12)

ACTION: Mr. Jarvis moved approval. Mr. Sylven seconded the motion. Chairman Sullivan, Messrs. Guckian, Sylven and Jarvis voted in favor of the motion. Motion approved.

10. New Business

Introduction of new business to be docketed for an upcoming meeting or to be referred to the executive director or legal counsel for comment.

Mr. Guckian asked that a vendor list be provided to the Board, listing companies that do business with the WSA. He asked that Rhode Island companies be prioritized. Director Burke will provide a vendor list.

11. Old Business

- a. WSA Deferment Policy: to be included on the August 23rd agenda.
- b. Amendments to By-Laws
- c. Modifications to Septage Hauling Regulations
- d. Infrastructure Improvement: 48" line under Interstate 95
- e. IPP Local Limits Study
- f. WSA Resolution Supporting Revenue Bond Issuance for new sewer construction projects
- g. Future Project Planning

Mr. Joe Gallucci, Warwick's representative on the Kent County Water Authority (KCWA), spoke to the Board about the extension of sewers in the O'Donnell Hill area. He stated KCWA is preparing to install new water lines in that sewer project area and asked that WSA consider prioritizing sewer construction in O'Donnell Hill in an effort to share certain construction costs. Chairman Sullivan asked how much money WSA would save. Mr. Solitro stated approximately one third of a project's cost is paving; splitting the cost with another utility would realize a substantial savings. Mr. Gallucci stated KWCA would share costs with WSA. Mr. Jarvis stated this is another area in need of sewers, but the funding issue remains. Director Burke stated she will consider funding options for this project, however, WSA would need additional bond authorization.

Mr. Gallucci stated the water pipes are on-site and construction can start shortly. Mr. Sylven stated the only benefit he could see was the cost of the pavement overlay because our line must be ten feet away from the water line. Director Burke stated the impact on the residents in the area would be reduced by having both utilities working at the same time. Mr. Solitro suggested other cost savings by having utilities working in conjunction with one another.

Mr. Gallucci stated one third of the tax base is located in the western part of the city (Ward 8 and a portion of Ward 9); sewers have not been extended in that area in nineteen years.

Chairman Sullivan asked Director Burke to investigate funding this project. Director Burke offered to report back on the availability of funds. She said even if there were funds available, the application process would take time. Mr. Sylven stated he wouldn't want to go ahead with the project unless we had a commitment from KCWA to pay for half the overlay. He said, technically, this is not a shovel-ready project for WSA as permitting is not in place.

12. PUBLIC COMMENT PERIOD

Mr. Roy Dempsey, 4 Killdeer Road, provided his comments to the Board.

13. Adjournment

Mr. Jarvis moved to adjourn. Mr. Guckian seconded the motion. Chairman Sullivan, Messrs. Guckian, Sylven and Jarvis voted in favor of the motion. Motion approved.

At 7:54 p.m. this meeting ended.

Aaron Guckian, WSA Secretary

Date